

APPEAL,CLOSED,PROSE-NP,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-00063-TJK

ROSEBERRY-ANDREWS v. PAVLIK-KEENAN et al
Assigned to: Judge Timothy J. Kelly
Demand: \$1,300,000
Case: 1:15-cv-02051-TJK
Cause: 05:552 Freedom of Information Act

Date Filed: 01/13/2016
Date Terminated: 11/02/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CYNTHIA L.
ROSEBERRY-ANDREWS**

represented by **CYNTHIA L.
ROSEBERRY-ANDREWS**
P.O. Box 711
North Beach, MD 20714
(402) 470-2169
Email: roseberry_andrews@hotmail.com
PRO SE

V.

Defendant

CATRINA PAVLIK-KEENAN
TERMINATED: 04/20/2016

represented by **Jennifer Joy Lee**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2569
Fax: (202) 252-2599
Email: jennifer.lee@usdoj.gov
TERMINATED: 04/01/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Johnny Hillary Walker , III
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JEH CHARLES JOHNSON
Secretary - Department of Homeland

represented by **Johnny Hillary Walker , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/13/2016	<u>1</u>	COMPLAINT against CATRINA PAVLIK-KEENAN, SARAH SALDANA, KAREN NEUMAN (Filing fee \$ 0.00) filed by CYNTHIA L. ROSEBERRY-ANDREWS. (Attachments: # <u>1</u> Civil Cover Sheet)(jf) (Entered: 01/15/2016)

01/13/2016		SUMMONS Not Issued as to CATRINA PAVLIK-KEENAN, SARAH SALDANA, KAREN NEUMAN. (jf) (Entered: 01/15/2016)
01/13/2016	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by CYNTHIA L. ROSEBERRY-ANDREWS (jf) (Entered: 01/15/2016)
01/13/2016		FIAT ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. "Leave to file without prepayment of costs GRANTED" Signed by Judge Beryl A. Howell on 1/12/2016. (jf) Modified on 1/15/2016 (td). (Entered: 01/15/2016)
01/13/2016	<u>3</u>	NOTICE OF RELATED CASE by CYNTHIA L. ROSEBERRY-ANDREWS. Case related to Case No. 15-2051. (jf) (Entered: 01/15/2016)
01/13/2016	<u>4</u>	MOTION to Permit Mailing Address by CYNTHIA L. ROSEBERRY-ANDREWS (jf) (Entered: 01/15/2016)
01/13/2016		FIAT ORDER granting <u>4</u> MOTION to Permit Mailing Address. Leave to use P.O. Box Address GRANTED" Signed by Judge Beryl A. Howell on 01/12/2016. (jf) (Entered: 01/15/2016)
01/13/2016	<u>5</u>	MOTION for CM/ECF Password by CYNTHIA L. ROSEBERRY-ANDREWS (jf) (Entered: 01/15/2016)
01/20/2016		MINUTE ORDER granting <u>5</u> Plaintiff's Motion for CM/ECF Password. Plaintiff is hereby granted leave to obtain a CM/ECF user name and password for the purpose of filing electronically in accordance with Local Civil Rule 5.4. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 1/20/16.(ah) (Entered: 01/20/2016)
01/28/2016	<u>6</u>	SUMMONS Issued as to CATRINA PAVLIK-KEENAN, SARAH SALDANA, KAREN NEUMAN, U.S. Attorney and U.S. Attorney General (md) (Entered: 01/28/2016)
02/12/2016	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/10/16. (td) (Entered: 02/16/2016)
02/16/2016	<u>7</u>	NOTICE of Appearance by Jennifer Joy Lee on behalf of All Defendants (Lee, Jennifer) (Entered: 02/16/2016)
03/02/2016	<u>9</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by KAREN NEUMAN, CATRINA PAVLIK-KEENAN, SARAH SALDANA (Lee, Jennifer) (Entered: 03/02/2016)
03/03/2016		MINUTE ORDER granting, for good cause shown, <u>9</u> Motion for Extension of Time to Answer. It is hereby ORDERED that Defendants shall file a status report on the processing of Plaintiff's FOIA request by 4/1/2016, and that Defendants shall answer or otherwise respond to Plaintiff's complaint by 4/18/2016. Signed by Judge Ketanji Brown Jackson on 03/03/2016. (lckbj1) (Entered: 03/03/2016)
03/24/2016	<u>10</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/23/2016. Answer due for ALL FEDERAL DEFENDANTS by 4/22/2016. (zrdj) Modified on 3/28/2016 (zrdj). (Entered: 03/25/2016)
03/28/2016		NOTICE OF CORRECTED DOCKET ENTRY: re <u>10</u> Summons Returned Executed in FOIA as to U.S. Attorney, was entered in error (Wrong Case). (zrdj) (Entered: 03/28/2016)
03/31/2016	<u>11</u>	STATUS REPORT by CATRINA PAVLIK-KEENAN. (Lee, Jennifer) (Entered: 03/31/2016)
04/01/2016	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Johnny Hillary Walker, III on behalf of CATRINA PAVLIK-KEENAN Substituting for attorney Jennifer Joy Lee (Walker, Johnny) (Entered: 04/01/2016)
04/18/2016	<u>13</u>	ANSWER to <u>1</u> Complaint by CATRINA PAVLIK-KEENAN. (Attachments: # <u>1</u> Certificate of Service)(Walker, Johnny) (Entered: 04/18/2016)
04/20/2016	<u>14</u>	AMENDED COMPLAINT by CYNTHIA L. ROSEBERRY-ANDREWS (ROSEBERRY-ANDREWS, CYNTHIA) Modified on 4/21/2016 (jf). (Entered: 04/20/2016)

		04/20/2016)
05/03/2016		MINUTE ORDER: Local Civil Rules 16.3(b)(9) and 16.5(c)(1) exempt this FOIA action from the conferencing, scheduling, and discovery rules. In its March 31, 2016 Status Report, Defendant represents that the processing of Plaintiff's request is underway. Accordingly, it is ORDERED that Defendant shall file a status report on the processing of Plaintiff's FOIA request and a proposed briefing schedule by June 3, 2016. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 5/3/16. (ah) (Entered: 05/03/2016)
05/03/2016		Set/Reset Deadlines: Status Report and proposed briefing schedule due by 6/3/2016. (gdf) (Entered: 05/03/2016)
05/05/2016	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CATRINA PAVLIK-KEENAN served on 4/26/2016 (jf) (Entered: 05/06/2016)
05/09/2016	<u>16</u>	ANSWER to Complaint (<i>Amended</i>) [ECF No. 14] by JEH JOHNSON.(Walker, Johnny) (Entered: 05/09/2016)
06/03/2016	<u>17</u>	STATUS REPORT and Proposed Briefing Schedule by JEH JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 06/03/2016)
06/08/2016	<u>18</u>	ORDER setting briefing schedule (see written order for details). Signed by Judge Ketanji Brown Jackson on 6/8/16.(ah) (Entered: 06/08/2016)
06/13/2016		Set/Reset Deadlines: Summary Judgment motions due by 8/12/2016. Response to Motion for Summary Judgment due by 9/30/2016. Reply to Motion for Summary Judgment due by 10/21/2016. (gdf) (Entered: 06/13/2016)
08/09/2016	<u>19</u>	Consent MOTION for Extension of Time to <i>File Summary Judgment Motion</i> by JEH CHARLES JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 08/09/2016)
09/01/2016	<u>20</u>	ERRATA by JEH CHARLES JOHNSON <u>19</u> Consent MOTION for Extension of Time to <i>File Summary Judgment Motion</i> filed by JEH CHARLES JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 09/01/2016)
09/09/2016	<u>21</u>	Consent MOTION for Extension of Time to <i>Move for Summary Judgment</i> by JEH CHARLES JOHNSON (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 09/09/2016)
09/12/2016		MINUTE ORDER granting <u>21</u> Defendant's Consent Motion for an Extension of Time. The parties shall adhere to the following amended schedule: Defendant's motion for summary judgment is due by October 3, 2016; Plaintiff's opposition is due by November 21, 2016; Defendant's reply is due by December 12, 2016. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 9/12/16.(ah) Modified on 9/12/2016 (ah). (Entered: 09/12/2016)
09/12/2016		MINUTE ORDER granting nunc pro tunc <u>19</u> Defendant's Motion for an Extension of Time. SO ORDERED. Signed by Judge Ketanji Brown Jackson on 9/12/16.(ah) (Entered: 09/12/2016)
09/12/2016		Set/Reset Deadlines: Defendants' motion for Summary Judgment due by 10/3/2016. Plaintiff's opposition is due by 11/21/2016. Defendants' reply is due by 12/12/2016. (nbn) (Entered: 09/13/2016)
10/03/2016	<u>22</u>	MOTION for Summary Judgment by JEH CHARLES JOHNSON (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of Fernando Pineiro (with exhibits), # <u>4</u> Declaration of Kevin Tyrrell (with exhibits), # <u>5</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/03/2016)
10/26/2016	<u>23</u>	Order advising plaintiff to respond by November 21, 2016, to defendant's motion for summary judgment or risk entry of judgment for the defendant on what will be treated as a conceded motion (see written order for details). Signed by Judge Ketanji Brown Jackson on 10/26/16.(ah) (Entered: 10/26/2016)
11/21/2016	<u>24</u>	Cross MOTION for Summary Judgment and <i>Opposition to Defendant's Motion for Summary Judgment</i> by CYNTHIA L. ROSEBERRY-ANDREWS (ROSEBERRY-ANDREWS, CYNTHIA) (Entered: 11/21/2016)

11/21/2016	<u>25</u>	Memorandum in opposition to re <u>24</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> , <u>22</u> MOTION for Summary Judgment <i>Material Facts and Points & Auth</i> filed by CYNTHIA L. ROSEBERRY-ANDREWS. (ROSEBERRY-ANDREWS, CYNTHIA) (Entered: 11/21/2016)
12/12/2016	<u>26</u>	REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment filed by JEH CHARLES JOHNSON. (Walker, Johnny) (Entered: 12/12/2016)
12/12/2016	<u>27</u>	Memorandum in opposition to re <u>24</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by JEH CHARLES JOHNSON. (Walker, Johnny) (Entered: 12/12/2016)
10/06/2017	<u>28</u>	Case directly reassigned to Judge Timothy J. Kelly as related to 15cv2051(TJK). Judge Ketanji Brown Jackson is no longer assigned to the case. (ztnr) (Entered: 10/06/2017)
03/13/2018	<u>29</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part <u>22</u> Defendant's Motion for Summary Judgment, and reserving judgment in part on and denying in part <u>24</u> Plaintiff's Cross-Motion for Summary Judgment. Please refer to full order for further details. Signed by Judge Timothy J. Kelly on 3/13/2018. (lctjk3) (Entered: 03/13/2018)
05/14/2018	<u>30</u>	Second MOTION for Summary Judgment by JEH CHARLES JOHNSON (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Supplemental Declaration of Catrina Pavlik-Keenan, # <u>4</u> Text of Proposed Order)(Walker, Johnny) (Entered: 05/14/2018)
06/11/2018	<u>31</u>	RESPONSE re <u>30</u> Second MOTION for Summary Judgment <i>PLAINTIFFS OPPOSITION TO DEFENDANTS RENEWED MOTION FOR SUMMARY JUDGMENT</i> filed by CYNTHIA L. ROSEBERRY-ANDREWS. (ROSEBERRY-ANDREWS, CYNTHIA) (Entered: 06/11/2018)
06/15/2018	<u>32</u>	REPLY to opposition to motion re <u>30</u> Second MOTION for Summary Judgment filed by JEH CHARLES JOHNSON. (Walker, Johnny) (Entered: 06/15/2018)
11/02/2018	<u>33</u>	MEMORANDUM OPINION granting Defendant's <u>30</u> Second Motion for Summary Judgment and denying the portion of Plaintiff's <u>24</u> Motion for Summary Judgment on which the Court previously reserved judgment. Signed by Judge Timothy J. Kelly on 11/2/2018. (lctjk3) (Entered: 11/02/2018)
11/02/2018	<u>34</u>	ORDER granting Defendant's <u>30</u> Second Motion for Summary Judgment and denying the portion of Plaintiff's <u>24</u> Motion for Summary Judgment on which the Court previously reserved judgment, for the reasons set forth in the accompanying Memorandum Opinion. This is a final, appealable Order. The Clerk of Court is directed to close the case. See Order for details. Signed by Judge Timothy J. Kelly on 11/2/2018. (lctjk3) (Entered: 11/02/2018)
12/10/2018	<u>35</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>34</u> Order, by CYNTHIA L. ROSEBERRY-ANDREWS. Fee Status: No Fee Paid. Parties have been notified. (ROSEBERRY-ANDREWS, CYNTHIA) (Entered: 12/10/2018)